

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

19-CR-106-V

JEFFREY RICHARDS,

Defendant.

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**NOTICE OF MOTION AND MOTION FOR A STATUS CONFERENCE**  
**TO SET A DATE FOR TRIAL OR CHANGE OF PLEA**

**PLEASE TAKE NOTICE** that the United States of America, by its Attorney, James P. Kennedy, Jr., United States Attorney for the Western District of New York, Brendan T. Cullinane, Assistant United States Attorney, of counsel, hereby moves this Court to schedule a status conference in order to set a date for trial, a change of plea in this action, or to address any other matter relating to the status of the case, such motion to be heard by the United States District Court for the Western District of New York, at a date and time to be determined by the Court.

DATED: Buffalo, New York, August 30, 2019.

JAMES P. KENNEDY, JR.  
United States Attorney

BY: s/BRENDAN T. CULLINANE  
Assistant United States Attorney  
United States Attorney's Office  
Western District of New York  
138 Delaware Avenue  
Buffalo, New York 14202  
716/843-5875  
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19-CR-106-V

JEFFREY RICHARDS,

Defendant.

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**AFFIDAVIT**

STATE OF NEW YORK    )  
COUNTY OF ERIE        )    SS:  
CITY OF BUFFALO        )

**BRENDAN T. CULLINANE**, being duly sworn, deposes and states:

1. I am an Assistant United States Attorney for the Western District of New York assigned to the prosecution of the above-referenced case. This affidavit is submitted in support of the government's motion to schedule a status conference in order to set a date for trial, change of plea, or to address any other matter relating to the status of the case.

2. On or about August 1, 2019, the Honorable Michael J. Roemer, United States Magistrate Judge, ordered that the defendant file pretrial motions, if any, by August 15, 2019. See Doc. No. 26. The defendant, though, has not filed any motions.

3. The parties have had numerous communications regarding a pretrial resolution and discovery issues regarding this case. Given these discussions, the government anticipates that the parties will reach an agreement to resolve this matter; nevertheless, the government requests a status conference to address the progress of the case, time exclusions for speedy trial, and to schedule a change of plea or other requested action.

4. Based on the foregoing, it is respectfully requested that the Court schedule a status conference at the Court's convenience.

5. Since the parties are actively engaged in communications and efforts to resolve the defendant's case in a manner that would prevent any protracted pretrial, trial, or appellate litigation, speedy trial time should be excluded until the Court has an opportunity to hold a status conference in this case. The parties will continue to use the time from the date of this filing until the status conference to negotiate a resolution. The public's interest in conserving valuable judicial and governmental resources, avoiding the time and expense of both a trial and likely appeal, combined with the certainty of conviction that could accompany a plea or other agreed-upon result, outweighs the public's interests in a speedy trial. Furthermore, the defendant's interest in obtaining the benefit of a negotiated outcome which will likely accompany the pretrial disposition of this matter outweighs the defendant's interest in a speedy trial. The requested time will also facilitate the effective assistance of counsel. Based on the foregoing representations, the exclusion of time in this matter is in the interests of justice and not contrary to the interests of the public and the defendant in a speedy trial pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and (h)(7)(B)(iv).

WHEREFORE, it is respectfully requested that the Court schedule a status conference in the above-captioned matter and that the time from and including August 16, 2019, to and including the date scheduled for a status conference, be excluded from the Speedy Trial Act.

DATED: Buffalo, New York, August 30, 2019.

s/BRENDAN T. CULLINANE  
Assistant United States Attorney  
United States Attorney's Office  
Western District of New York  
138 Delaware Avenue  
Buffalo, New York 14202  
716/843-5875  
Brendan.Cullinane@usdoj.gov

Subscribed and sworn to before me  
this 30th day of August, 2019.

s/KAREN A. CHAMPOUX  
COMMISSIONER OF DEEDS  
In and for the City of Buffalo, New York.  
My Commission Expires Dec. 31, 2020.